

Freshfields Bruckhaus Deringer US LLP

601 Lexington Avenue, 31st Floor

New York, New York 10022

Telephone: (212) 277-4000

Facsimile: (212) 277-4001

Attorneys for defendant Tensyr Limited

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC
and the estate of Bernard L. Madoff,

Plaintiff,

v.

NATIXIS, NATIXIS CORPORATE &
INVESTMENT BANK (f/k/a IXIS CORPORATE
& INVESTMENT BANK), NATIXIS
FINANCIAL PRODUCTS, INC., BLOOM
ASSET HOLDINGS FUND, AND TENSYR
LIMITED,

Defendants.

Adv. Pro. No. 09-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 10-05353 (SMB)

**DECLARATION OF DAVID Y. LIVSHIZ IN SUPPORT OF TENSYR LIMITED'S
SUPPLEMENTARY REPLY MEMORANDUM OF LAW IN SUPPORT OF THE
EXTRATERRITORIALITY DEFENDANTS' MOTION TO DISMISS, AND IN
OPPOSITION TO TRUSTEE'S MOTION FOR LEAVE TO AMEND**

Pursuant to 28 U.S.C. § 1746, I, David Livshiz, declare the following:

1. I am an attorney licensed by the state of New York and admitted to practice before this Court. I am an attorney at Freshfields Bruckhaus Deringer US LLP representing Defendant Tensyr Limited (*Tensyr*).

2. I respectfully submit this declaration in support of Tensyr's Reply Supplemental Memorandum of Law In Support of the Extraterritoriality Defendants' Motion to Dismiss Based On Extraterritoriality.

3. This Declaration is based on my review of documents in the possession, custody, or control of my client, Tensyr; and of publicly available documents.

4. Attached as Exhibit A is a true and correct copy of Tensyr's Subscription Agreement, dated December 18, 2006.

5. Attached as Exhibit B is a true and correct copy of Fairfield Sentry Ltd. (in Liquidation) v. Migani, [2014] UKPC 9, a case decided by the Privy Council on April 16, 2014.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
September 30, 2015

FRESHFIELDS BRUCKHAUS DERINGER US LLP

By: /s/ David Y. Livshiz
David Y. Livshiz, Esq.

601 Lexington Avenue, 31st Floor
New York, NY 10022
Telephone: (212) 277-4000
Facsimile: (212) 277-4001
david.livshiz@freshfields.com
Attorney for Tensyr Limited